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Application No.: 10/665,877

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Docket No.: 275412001700

REMARKS

Claims 1-15 are pending in the present application. By virtue of this response, Claim 2 is cancelled, Claims 1, 12 and 13 have been amended, and new Claim 16 added. Accordingly, Claims 1, 3-16 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Claim Objections

Claim 15 is objected to under 37 CFR 1.75 as being a substantial duplicate of Claim 14.

This objection is traversed; Claim 15 recites subject matter in lines 10-11 ("adjusting the position...through the opening portion;") not recited in Claim 14.

Claim Rejections

Claims 1-7 and 9-15 stand rejected under 35 U.S.C 102(b) as anticipated by the Applicant's Alleged Admitted Prior Art.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, new Claim 16 recites all limitations of original Claim 8 and base Claim 1 and is allowable.

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Claim Amendments

Claim 1 has been amended to include the subject matter of Claim 2. Claim 12 is amended merely to improve clarity. Claim 13 is also amended to improve form.

Claims Distinguish Over the Alleged Admitted Prior Art

Claim 1 as amended now recites the subject matter of original Claim 2, with a clarification. Hence, the final clause of Claim 1 now recites "wherein, in the first wiring board, the opening portion is formed in an area facing toward part of the positionally-adjustable optical component which part undergoes significant displacement at the time of positional adjustment to the optical component." Note that Claim 1 as amended recites "which part" rather than "that" as in original Claim 2 to make it clearer where the significant displacement takes place.

It is respectfully submitted that this is not disclosed in the alleged prior art of present Figures 11-16 and pages 1-8 of the present specification.

The Examiner earlier indicated in his Action at the bottom of page 3 as regards Claim 2 that the alleged prior art "...shows in the first wiring board 15, the opening portion is formed in an area facing toward part of the positionally-adjustable optical component 2A that undergoes significant displacement at the time of positional adjustment to the optical component (Figure 15)."

However it is respectfully submitted this is not the case and the opening is not in the portion which undergoes significant displacement during the optical component adjustment, so the rejection of Claim 2 is traversed.

Hence original Claim 2 and now amended Claim 1 distinguishes over the alleged prior art, and are allowable as are dependent Claims 3-12.

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The amendment to Claim 13 changes "that" to "which part" in line 8 of the claim. For similar reasons as pointed out above with regard to amended Claim 1, this distinguishes over the alleged prior art, which does not have this feature.

As to Claim 14, this was similarly rejected but the rejection is traversed. Claim 14 recites (line 7) "forming an opening portion...which faces toward a gap...". It is not seen why the alleged prior art meets this. Claim 15 distinguishes for at least the same reason.

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CONCLUSION

In view of the above, all pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 275412001700.

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Respectfully submitted,

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